

GENERAL ORDINANCE NO. 9, 2011

AN ORDINANCE TO AMEND TERRE HAUTE CITY CODE CHAPTER 8, ARTICLE 3. MISCELLANEOUS MOTOR VEHICLE REGULATIONS.

WHEREAS, with the increased usage of mopeds on City streets, it is necessary to establish applicable regulation; and

WHEREAS, in addition, a large number of mopeds are stolen each year or left in the impound storage lots. Without a means to register and identify the moped owners, many mopeds remain unclaimed or unreturned to the lawful owners; and

WHEREAS, an increasing number of motor vehicle and pedestrian accidents now involve mopeds. If mopeds are to share our City streets with vehicles, bikes, and pedestrians, the manner in which the moped is operated should be regulated.

THEREFORE, BE IT ORDAINED by the Common Council of the City of Terre Haute as follows:

SECTION 1. The *Terre Haute City Code*, Chapter 8, Article 3, is hereby amended by deletion of the stricken text and insertion of the underlined text as follows:

ARTICLE 3. MISCELLANEOUS MOTOR VEHICLE REGULATIONS.

...
~~Sec. 8-101 — Mo-Ped Regulations — Penalties.~~¹

a. ~~Mo-Ped.~~ A vehicle having the capacity to be foot propelled, irrespective of the number of wheels in contact with the ground, but also having the capacity to be propelled by gasoline or other fuel in part or totally and having a saddle for the use of the rider and/or passenger.

b. ~~From date of passage of the ordinance all operators of Mo-Peds being ridden or driven upon streets of the City of Terre Haute, Indiana, must be fifteen (15) years of age or older.~~

c. ~~That it is declared to be a violation of this Section for any person under the age of fifteen (15) to operate a Mo-Ped upon the City streets of Terre Haute, Indiana.~~

d. ~~Penalties for violation of this Section shall be as follows: Any person who operates a Mo-Ped shall be subject to arrest and upon judgment or conviction shall be fined in the penal sum of not less than One Dollar (\$1.00) nor more than Twenty Five Dollars (\$25.00)~~

¹ Editor's Note: Special Ord. No. 17, 1977, as amended Special Ord. No. 5, 1977 which had been passed on February 10, 1977. I.C. § 9-13-2-104 defines "motor scooter". *Terre Haute First National Bank vs. Stewart* (Dist. Ct. Ap. 1983), 445 NE2d 362, addresses mopeds as a motorized vehicle.

and court costs. (Special Ord. No. 17, 1977, As Amended, §§ 1-4, 5-12-77, *Journal of Common Council*, pp. 120-121)

Sec. 8-101 Moped Regulations.²

a. **Definition.** A “moped” is defined as a motorized vehicle with two (2) or three (3) wheels that is propelled by an internal combustion engine or a battery powered motor, and if powered by an internal combustion engine, has the following:

1. An engine rating of not more than two (2) horsepower and a cylinder capacity not exceeding fifty (50) cubic centimeters;
2. An automatic transmission; and
3. A maximum design speed of not more than twenty-five miles per hour (25 mph) on a flat surface.

b. **Registration.**

1. All persons residing within the City of Terre Haute for any period must have the moped owned or operated by them registered annually with the City of Terre Haute Police Department.

2. The annual registration form shall be completed in person at the Terre Haute Police Department Headquarters.

3. Such annual registration form shall require the: name of the owner of the moped; his/her address and telephone number; date of birth of operator; the make, model and serial number of the moped; and the color, size, and other identifying characteristics of the moped.

4. Upon completion of the registration form and payment of the registration fee, the Terre Haute Police Department shall issue a registration decal which shall be affixed to the moped in a location clearly visible to the officer upon inspection of the moped.

5. The registration fees shall be as follows:

- | | | |
|-----|--------------------------|---------|
| (A) | Initial Registration Fee | \$25.00 |
| (B) | Renewal Registration Fee | \$10.00 |

6. Terre Haute Police Department shall not issue the registration or decal until all required items are submitted and payment is made.

² The definition of moped does not include an electric personal assistive mobility device.

c. **Operation and Violations.**

1. A moped may not be operated within the City limits by a person less than fifteen (15) years of age.
2. No person shall operate a moped upon any public sidewalk.
3. Persons riding mopeds shall comply with the traffic laws of the State of Indiana and all traffic ordinances of the City of Terre Haute, Indiana.
4. Every person operating a moped shall obey all stop signs and traffic signals in the same manner and to the same extent as would be required if said person was operating a motor vehicle.
5. No moped shall be used to carry more persons at one time than the number for which it is designed.
6. Every moped shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.
7. Each moped shall be equipped with at least one (1) headlamp of sufficient intensity to reveal a person or vehicle at a distance of not less than one hundred feet (100').
8. No person shall operate a moped at a speed faster than twenty-five miles per hour (25 mph).

d. **Enforcement.** This Section may be enforced by the issuance of a citation for an ordinance violation by the Terre Haute Police Department.

e. **Penalty.** Any person violating any of the provisions of this Section shall be subject to a fine of not more than Three Hundred Dollars (\$300.00) and the moped shall be subject to impound until such violations are remedied to the satisfaction of the Terre Haute Police Department.

SECTION 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

WHEREAS, an emergency exists for the immediate taking effect of the Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, Indiana and its approval by the Mayor and publication as required by law.

Introduced by: _____, Neil Garrison, Councilman

Passed in open Council this _____ day of _____, 2011.

_____ John Mullican, President

ATTEST: _____ Charles P. Hanley, City Clerk

Presented by me to the Mayor this _____ day of _____, 2011.

_____ Charles P. Hanley, City Clerk

Approved by me, the Mayor, this _____ day of _____, 2011.

_____ Duke A. Bennett, Mayor

ATTEST: _____ Charles P. Hanley, City Clerk